

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TYRONE H. MASSEY,	:	
	:	
Plaintiff,	:	
	:	20 Civ. 8592 (LGS)
-against-	:	
	:	<u>ORDER</u>
CAPTAIN BOLANOS, et al.,	:	
Defendants.	:	
-----X	:	

LORNA G. SCHOFIELD, District Judge:

WHEREAS, pro se Plaintiff filed a Complaint on October 14, 2020 (Dkt. No. 2);

WHEREAS, Defendants filed an answer on February 1, 2021 (Dkt. No. 13);

WHEREAS, Defendants filed a motion for judgment on the pleadings on July 15, 2021 (Dkt. No. 38);

WHEREAS, pro se Plaintiff's deadline to file a response, if any, to Defendants' motion for judgment on the pleadings was September 3, 2021;

WHEREAS, pro se Plaintiff did not file a response;

WHEREAS, pro se Plaintiff submitted a First Amended Complaint on September 9, 2021, without seeking leave to amend (Dkt. No. 43);

WHEREAS, courts in this circuit liberally construe submissions by pro se litigants. *McLeod v. Jewish Guild For The Blind*, 864 F.3d 154, 156-57 (2d Cir. 2017);

WHEREAS, a party may amend its pleading once as a matter of course within twenty-one days of serving it or where, as here, a responsive pleading has been filed, twenty-one days after service of a responsive pleading. Fed. R. Civ. P. 15(a)(1).

WHEREAS, more than twenty-one days have passed since Defendants filed an answer. It is hereby

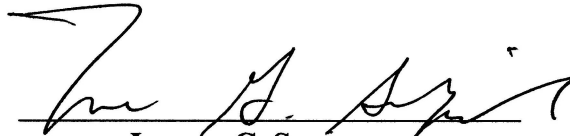
ORDERED that pro se Plaintiff's submission of a First Amended Complaint is liberally construed as a motion for leave to amend. It is further

ORDERED that by **September 28, 2021**, Defendants shall file a response to pro se Plaintiff's request for leave to amend not to exceed ten pages. It is further

ORDERED that if pro se Plaintiff seeks to respond to Defendants' motion for judgment on the pleadings, pro se Plaintiff shall file a response by **September 30, 2021**.

The Clerk of Court is respectfully directed to mail this Order to pro se Plaintiff.

Dated: September 14, 2021
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE